

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17712 of 2005

DATED: 11.08.2005

Between:

Parveen Begum, W/o Mohd. Shafuddin,

Aged about 45 years, R/o 11-3-614/3,

New Ashoknagar, Secunderabad.

...PETITIONER

And:

The Assistant Divisional Engineer (Electricity)

Central Power Distribution Co of A.P. Ltd.,

Musheerabad, Secunderabad and two others.

...RESPONDENTS

ORDER:

The petitioner assails the notice, dated 08.08.2005, issued by the second respondent, which reads as under (in translation): -

“Smt/Sri Praveena Begum Garu, is hereby informed by the Inspector of Police, Vigilance, that a case of theft of energy was registered against you on the complaint lodged by the A.E./D.E. on 01.08.2005 under Category-II. This case is non-bailable case, and if the offence is proved you will be punished up to five years rigorous imprisonment and also fine and for two years period the power supply will be disconnected.

For the first time offence you shall pay a sum of Rs.1,000/- Compound fee towards the MH-0801, SMH-05, MH-800, SH-01 in

the State Bank of Hyderabad, Gunfoundry Branch, Hyderabad, by way of Challan along with the assessment of Rs.28,347/- in the E.R.O. Office and receive the payment receipt of the same. Otherwise, in the said crime you shall arrest and will produce in the Court of law for prosecute the same.”

The challenge is on the basis that the petitioner is called upon to compound an offence without notice or opportunity and therefore, the notice is invalid.

On a true and fair construction of the language of the notice, it is apparent that the petitioner has merely been intimated that a case of theft of energy was registered against her on a complaint lodged by the Assistant Engineer/Divisional Engineer on 01.08.2005, that the case is non-bailable and that if the offence was proved, the petitioner would be liable to a sentence of up to five years rigorous imprisonment and a fine, and further, liable to disconnection of the power supply for a period of two years. The notice also states that being a first time offence, the petitioner may pay a sum of Rs.1,000/- towards compounding fee failing which the due process for the prosecution of the petitioner will ensue. The notice in terms does not require the petitioner to compound the offence. The petitioner is at liberty to face the prosecution if she does not wish to compound the offence.

In the circumstances, this Court finds no infirmity in the notice.

Learned counsel for the petitioner states that the officers of the respondents are threatening to remove the goods and other articles from the residence of the petitioner. This apprehension has no basis and no material is produced to show nor any dates furnished as to when and which officer had issued such a threat. However, it is made clear that the respondents would not be entitled to take any coercive steps against the petitioner except in accordance with law and after following due procedure for taking such action.

The writ petition is accordingly dismissed with the above

observations. No order as to costs.

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(GODA RAGHURAM, J)

11.08.2005

dr